

CHAPTER 8.00 - AUXILIARY SERVICES

Construction Bid Protest

8.271

These procedures shall govern protests arising out of the contract bidding process for School Board construction projects.

- (1) Notice of Protest. Any person who is adversely affected by the decision of the School Board or intended decision shall file, with the Board, a notice of protest in writing within seventy-two (72) hours after the posting of the bid tabulation or after receipt of the notice of the Board decision or intended decision. Such person shall file a formal written protest within ten (10) days after filing the initial notice of protest. With respect to a protest of the specifications contained in an invitation to bid or in a request for proposals, the notice of protest shall be filed in writing within seventy-two (72) hours after the receipt of notice of the project plans and specifications or intended project plans and specifications in an invitation to bid or request for proposals.
- (2) Formal Written Protest. A formal written protest shall be filed, with the Board, within ten (10) days after filing the initial notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. Failure to timely file a notice of protest or a formal written protest shall constitute a waiver of the right to protest. The Board may require the protestor to post a bond in accordance with Section 255.0516, Florida Statutes.
- (3) Continuation of the Bid Process. Upon the timely filing of a written protest, the bid solicitation or contract award process shall be suspended until the protest is resolved, unless, in the judgment of the Board, it is necessary to continue the process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare. In that event, the Board shall notify the affected persons in writing, setting forth the facts and circumstances necessitating the continuation of the process.
- (4) Informal Resolution. The Board shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days, excluding Saturdays, Sundays, and legal holidays, after receipt of a formal written protest.
- (5) Section 120.57(2) Proceeding. If the protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays, and legal holidays, after receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to Chapter 120, Florida Statute before a hearing officer engaged by the Board. The hearing officer shall be an attorney who has been a member of the Florida Bar in good standing for at least seven (7) years.

CHAPTER 8.00 - AUXILIARY SERVICES

- (6) Section 120.57(1) Proceeding. If the subject of a protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays, and legal holidays, after receipt of the formal written protest, and if there is a disputed issue of material fact, the protest shall be referred to the Florida Division of Administrative Hearings for proceedings pursuant to Chapter 120, Florida Statute.

STATUTORY AUTHORITY:

1001.42, F.S.

LAWS IMPLEMENTED:

120.53(5), 337.11(5)(A), 1001.43, 1013.02, F.S.

HISTORY:

ADOPTED: 08/18/98
REVISION DATE(S): 11/21/06